

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FILED/ACCEPTED

DEC 4 3 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)	EB Docket No. 07-147
)	
PENDLETON C. WAUGH, CHARLES M.)	File No. EB-06-IH-2112
AUSTIN, and JAY R. BISHOP)	NAL/Acct. No. 200732080025
)	
PREFERRED COMMUNICATION)	FRN No. 0003769049
SYSTEMS, INC.)	
)	
Licensee of Various Site-by-Site Licenses in)	
the Specialized Mobile Radio Service.)	
)	
PREFERRED ACQUISITIONS, INC.)	FRN No. 0003786183
)	
Licensee of Various Economic Area Licenses)	
in the 800 MHz Specialized Mobile Radio)	
Service)	

To: The Honorable Judge Arthur I. Steinberg

ENFORCEMENT BUREAU'S
UNOPPOSED MOTION FOR EXTENSION OF FILING DEADLINE

Pursuant to 47 C.F.R. § 1.205, the Enforcement Bureau ("Bureau") seeks an extension of time to file a motion to compel, if one should become necessary, due to the parties' failure to reconcile current discovery disputes. In support hereof, the Bureau states as follows:

1. On or about October 15, 2007, the Bureau filed its First Request for Production of Documents to Preferred Acquisitions, Inc. ("PAI") and First Request for Production of Documents to Charles M. Austin ("Austin"). On or about November 5, 2007, the Bureau filed its First Request for Production of Documents to Preferred

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Communication Systems, Inc. ("PCSI"). The Requests for Production of Documents are hereinafter collectively referred to as the "Discovery Requests."

2. PAI's and Austin's initial deadline to respond to the Bureau's Requests was October 25, 2007. PCSI's deadline to respond to the Bureau's Request was November 15, 2007. Although Respondent submitted written responses to the Discovery Requests on November 26, 2007, they did not produce any responsive documents. Instead, Respondents' counsel informed the Bureau that it did not have the responsive documents or privilege logs in their possession, despite representations to the contrary in the Respondents' responses. Counsel attributed the delay to the contractor's process of Bates-stamping the documents and anticipated that the documents would be available for inspection on November 28, 2007.

3. On three separate occasions, PAI, PCSI, and Austin (collectively, the "Respondents"), sought extensions of time to respond to the Discovery Requests. The Bureau consented to each such request, and the Respondents' most recent deadline to respond to the Discovery Requests was November 26, 2007.¹

4. On November 26, 2007, the Respondents submitted their Responses to the Bureau. In their Responses the Respondents raise a number of very broad and/or otherwise inappropriate or inapplicable objections.

¹ The Bureau also notes that counsel sought additional extensions of time, first until November 28, 2007, November 29, 2007, and December 3, 2007, to respond to the Bureau's interrogatories and/or serve answers that were already being provided out-of-time, as to PAI and Austin. PCSI has until December 7, 2007 under a currently agreed extension to respond to discovery.

5. In an effort to informally resolve the Respondents' objections, the Bureau contacted counsel by telephone on November 27, 2007. The parties were and continue to be unable to informally resolve their differences with respect to the objections.

Therefore, to the extent required, the Bureau hereby represents it has made a good faith effort to informally resolve the dispute outlined in this pleading and has been unable to do so.²

6. The Bureau anticipates filing one or more motions to compel to address, among other issues, Respondents' objections to the Discovery Requests as well as to address any inadequacies, deficiencies, or other issues it uncovers during its review of the documents and privilege logs, which Respondents made available for inspection for the first time on November 30, 2007.

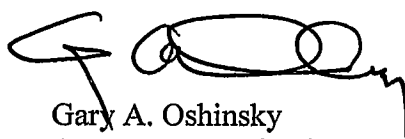
7. Section 1.325 of the Commission's Rules provides that the Bureau must file any motion to compel "within five business days of the objection or claim of privilege."³ In light of the present circumstances, namely the Bureau has not yet had the opportunity to review the Respondents' document production or privilege log(s), the Bureau respectfully seeks an extension of time to file a motion to compel, if any.

² See *Pendleton C. Waugh, et al.*, EB Docket No. 07-147, Revised Transcript at 20-21 (Sept. 12, 2007). In doing so, the Bureau recognizes that the Presiding Administrative Law Judge may not require such a certification for a dispute when the Bureau may still be able to work this matter out informally. The Bureau hereby makes such certification, however, in an abundance of caution to obtain time to continue to attempt to do so and in an attempt to narrow the scope of the dispute after the Respondents finish providing their response to the Discovery Requests.

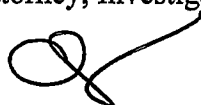
³ See 47 C.F.R. § 1.325.

8. Granting the Bureau's Motion is in the interest of fairness as well as judicial economy. In addition, granting such an extension would not prejudice the Respondents who, upon being informed of the Bureau's intention to file the present Motion, raised no objection.⁴

Respectfully submitted,
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Chief, Enforcement Bureau



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December 3, 2007

⁴ In that same November 27, 2007 conversation discussed above.

CERTIFICATE OF SERVICE

Kerri Johnson a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 3rd day of December 2007, sent by first class United States mail or electronic mail, as noted, copies of the foregoing "Enforcement Bureau's Motion for Extension of Time" to:

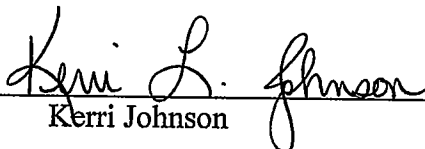
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